REMARKS

Claims 1-14 are rejected Claims 1-14 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Double Patenting:

Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,885,409 in view of Yoshinaga(5,272,552). Applicants have provided a terminal disclaimer to US Patent 6,885,409 that obviates this rejection.

Claims 1-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application Publication No. US 2005/0151 887(Stephenson et al in view of Yoshinaga et al(5,272,552). Applicants have provided a terminal disclaimer to Application Publication No. US 2005/0151 887 that obviates this rejection.

Applicants have submitted a terminal disclaimer in clompliance with 37 CFR 1.321 (c) or 1.321 (d) to overcome these rejections.

Rejection Of Claims 1 and 8 Under 35 U.S.C. §103(a):

Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al(6,423,368) in view of Yoshinaga et al (5,272,552).

As to claims 1 and 8, Stephenson et al teach a display writer for writing on a light writable display having a layer of cholesteric liquid crystal material disposed between two conductors, the cholesteric liquid crystal material having multiple stable optical states; and a light absorber(70) for forming an image thermal pattern in the cholesteric liquid crystal sufficient to change the optical state of the cholesteric liquid crystal in response to a light. Stephenson et al teach a display writer comprising means for applying electrical fieldto the conductors of the display. The Examiner admits that Stephenson et al. fail to disclose a flash lamp, a reflective light modular and optics. Yoshinaga is cited as teaching a display writer for writing on a light writable display having a layer of

cholesteric liquid crystal material disposed between two conductors. The Examiner asserts that Yoshinaga et al teach a display writer comprising a light absorber; a flash lamp; a reflective light modulator for modulating light from the flash lamp an image wise pattern; optics for directing the image wise modulated light onto the light writable display and means for applying electrical field to the conductorsof the display. The Examiner then states it would have been obvious to have modified Stephenson et al with the teaching of Yoshinaga et al, so as to provide a writable display having a high contrast and first recording and erasure speeds and a gradational display could be effected relatively easily.

Applicants respectfully traverse this rejection. The present invention is concerned with cholesteric liquid crystals or chiral nematic liquid crystals. Yoshinaga is concerned with polymer liquid crystals and are not analogous art. The display material of Yoshinaga requires heating of the polymer liquid crystal to a temperature above the glass tranisiton point, alignment of the helical pitch of the liquid crystal and cooling of the liquid crystal below the glass transition point. The heating is effected by a laser or an electric field (col 43, lines 16-26). Applicants invention claims flash lamp that emits a beam of incoherent full spectrum white light. A laser as required by Yoshinaga requires a laser source (col 41, lines 38-40). A laser by definition emits photons in a coherent beam at a specified wavelength. This coherent beam is at one wavelength. Thus, the Examiner in combining Yoshinaga with Stephenson would not obtain Applicants invention. The combination would necessarily yield a laser lamp which would not be effective. Since Applicants claims are a flash lamp and Yoshinaga teaches a laser lamp the rejection is defective.

As evidence of this, Applicants have shown in the specification that an infrared filter interposed between the flash lamp and the writable display has an adverse impact on performance. An infrared filter reduces the wavelengths of light radiation that reach the display. The present invention requires a lamp that uses all the wavelengths emitted to provide adequate performance (Page 11, second paragraph of the specification). Since a laser is at a specific wavelength, using a laser would not work in the present invention. So Examiners combination of Stephenson and Yoshinaga would not produce a Applicants claimed method.

Rejection Of Claims 2, 4-7, 9 and 11-14 Under 35 U.S.C. §103(a):

Claims 2, 4-7, 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al(6,423,368) in view of Yoshinaga et al (5,272,552) and Anderson et al(EP 0,795,771).The Examiner admits that Stephenson et al fail to disclose the flash lamp is a short arc flash lamp and a digital micro-mirror light modulator. The Examiner cites Anderson et al as teaching a display writer comprising the flash lamp is a short arc flash lamp and a digital micro-mirror light modulator. The Examiner then concludes that it would have been obvious to have modified Stephenson et al as modified with the teaching of Anderson et al, so as to increase the optical efficiency of the system by using the digital micromirror. Applicants respectfuly traverse this rejection.

Anderson teaches an illumination system for xerographic systems. [paragraph 0001]. Therefore, it is not analogous to a cholesteric display writer and method. The Examiner in reading Applicants specification has reconstructed the claimed invention through hindsight. To pick an illumination lamp for a xerographic system and say that one skilled in the art would include this in a cholesteric display writer is evidence of hindsight reconstruction. The Examiner has not pointed to any teaching in Anderson that provides such motivation. Therefore Applicant respectfully requests that this rejection be withdrawn.

Furthermore Yoshinaga requires a laser light source. Thus even the combination of Stephenson, Yoshinaga and Anderson would necessarily require a laser light source as for illuminating the display. As discussed above such a combination would not work.

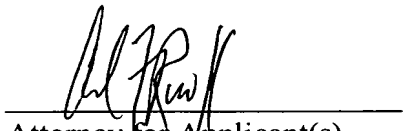
Claims 3-7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al in view of Yoshinaga et al and Huang et al. The Examiner admits that the previous prior art fails to disclose a flash lamp with a reflector and a digital micro-mirror light modulator. The Examiner asserts that Huang et al teach a display system comprising a flash lamp with a reflector and a digital micro-mirror light modulator. The Examiner then concludes that it would have been obvious to have modified Stephenson et al as modified with the teaching of Huang et al, so the a flash lamp need not be directly toward to the light modulator and so as to increase the optical efficiency of the system by using the digital micro-mirror. Applicants respectfully traverse this rejection.

Huang is related to image display systems (col 1, lines 6-8), not cholesteric display writers and methods. Thus the Huang et al reference is non analogous art without a showing of motivation combine, which the Examiner has not done. Further the Examiner is incorrect in saying that Huang shows a flash lamp. Item 16 in Huang is identified as a light source. This light source is filtered and reflected from a digital micro-mirror. Included in this system is an optical shutter. An optical shutter is not included in applicant invention. Thus, the Examiner is merely selecting bits and pieces from Huang while ignoring other elements in an attempt to reconstruct Applicants invention.

Moreover, as described above the rejection of claims 1 and 8 under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al(6,423,368) in view of Yoshinaga et al (5,272,552), this combination would require a laser rather than a flash lamp. Huang does nothing to correct this deficiency.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.